

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COURT FILE NO: CV-

MICHAEL LAMIAUX)	
Plaintiff)	
v.)	COMPLAINT
WORLDWIDE RECOVERIES, LLC)	JURY TRIAL DEMANDED
Defendant)	

COMPLAINT

I. PRELIMINARY STATEMENT

1. This action arises out of illegal acts and omissions of the above-named defendants, who used false, deceptive, misleading, unfair, abusive, and oppressive practices and means in conjunction with attempts to collect an alleged debt or debts and thereby violated the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p (“FDCPA”) and the Pennsylvania Fair Credit Extension Uniformity Act, 73 P.S. §§ 2270.1-2270.6 (“FCEUA”), and Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1 to 201-9.3 (“UTCPL”). Plaintiff seeks actual damages, statutory damages, treble damages, costs, and attorney’s fees.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises out of Defendant’s repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. section 1692 *et seq* (hereinafter “FDCPA”), Pennsylvania Fair Credit Extension Uniformity Act, 73 Pa.C.S. 2270.1 *et seq* (hereinafter “FCEUA”) and Pennsylvania Unfair Trade Consumer Protection Law, 72 Pa.C.S 201-1, *et seq* (hereinafter “UTCPL”), which prohibit debt collectors from engaging in abusive, false, deceptive, misleading and unfair practices.

3. Venue is proper in this District because the acts and transactions occurred here and Plaintiff resides within this district.

III. PARTIES

4. Plaintiff, Michael Lamiaux ("Plaintiff"), is a natural person who resides at 1059 Wyomissing Boulevard, Reading PA 19610. Because Plaintiff was allegedly obligated to pay a debt that is the subject of this case that was primarily for family, personal or household purposes, namely, he was a consumer within the meaning of FDCPA, 15 U.S.C. § 1692a(3) and FCEUA, 73 P.S. § 2270.3.

5. Defendant Worldwide Recoveries, LLC ("Worldwide"), is upon information and belief, a limited liability company located at 2414 Fairview St., Suite 210, Santa Ana, CA 92704, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

6. At all times relevant to this Complaint, Defendant Worldwide is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6) and FCEUA 73 P.S. § 2270.3.

7. Defendant Worldwide, at all times relevant hereto, were persons who used an instrumentality of interstate commerce or the mails in a business the principal purpose of which was the collection of debts, who regularly collected or attempted to collect, directly or indirectly, debts owed or due asserted to be owed or due another, and/or who, in the process of collecting its own debts, used a name other than its own which would indicate that a third person was collecting or attempting to collect such debts. Based on said activity or activities, Defendant was a debt collector within the meaning of FDCPA, 15 U.S.C. § 1692a (6), and FCEUA, 73 P.S. § 2270.3.

III. FACTUAL ALLEGATIONS

8. Between September 20, 2010 and October 4, 2010, multiple messages were left on Plaintiff's voicemail in which Defendant violated the FDCPA by failing to properly identify itself, falsely stating that a Complaint had been filed against Plaintiff and that there were time sensitive issues concerning Plaintiff and his property. The messages include, but are not limited to:

September 20, 2010, 12:29 p.m.

Hi Michael. This is Kathy calling and I have been trying to reach you in an attempt to..(unable to hear-faded out)..time sensitive information concerning yourself and the property on Jefferson Avenue. It's imperative that we receive a return telephone call from you to area code 714-380-58..(unable to hear-faded out)..reference account number 884790. Thank you.

September 23, 2010, 1:07 p.m.

This message is for Michael Lamiaux. Mr. Lamiaux, this is Mark Davis. I have some very important information pertaining to yourself as well as a property addressed on Jefferson Avenue. If you could give me a call, my number is 714-380-5883. In doing so, please reference your file number 884790.

September 25, 2010, 1:13 p.m.

Uh, yeah. My name is Keith Williams. I need a call back at area code 714-380-5899. Thanks for your time.

September 28, 2010, 4:59 p.m.

Hi, my name is Jonathan. This message is for Michael. Michael, it is very important that you return my phone call today. I've been asked to resolve a couple of issues that concern you. Call me back. 714-380-5871. Good luck.

October 4, 2010, 7:46 p.m.

Hello. This message is for Michael. Michael Lamiaux, this is Jackie Martinez. I need you to contact this office. It is in reference to a complaint that was forwarded over to our office. I don't know if you are aware that there has been a complaint filed against you but if you want to know more in

reference to it, contact the office at 1-866-897-9080. This is in reference to your complaint number 884790.

9. As of this date, no Complaint has been filed against Plaintiff by Defendant Worldwide.

IV. CAUSES OF ACTION
COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. section 1692, et seq.

10. Plaintiff incorporates his allegations of paragraphs 1 through 9 as though set forth at length herein.

11. Defendant's violations of FDCPA include but are limited to, the following:

- (a) Defendant violated 15 U.S.C. § 1692d (6) by placing telephone calls to the consumer without meaningful disclosure of the caller's identity.
- (b) Defendant violated 15 U.S.C. § 1692e by using false, deceptive, and/or misleading representations and/or means in connection with the collection of a debt.
- (c) Defendant violated 15 U.S.C. § 1692e(5) by threatening to take an action that could not be taken or that was not intended to be taken in connection with the collection of a debt.
- (d) Defendant violated 15 U.S.C. § 1692e(10) by using a false representation or deceptive means to collect or attempt to collect a debt.
- (e) Defendant violated 15 U.S.C. § 1692e(11) by utilizing communications that fail to contain the mini-Miranda warning.
- (f) Defendant violated 15 U.S.C. § 1692f by using unfair practices and/or means to collect or attempt to collect a debt.

12. As a result of the Defendant's illegal collection efforts, Plaintiff has suffered and is entitled to damages in the form of actual damages, compensatory damages, statutory damages and attorney's fees, costs and expenses.

13. Plaintiff has suffered actual damages as a result of Defendant's illegal collection efforts and communications in the form of anger, anxiety, and frustration and sleeplessness.

14. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, compensatory damages, statutory damages, attorney's fees and costs in accordance with 15 U.S.C. § 1692k.

15. The foregoing acts and omissions of Defendant constitutes numerous and multiple violations of the FDCPA including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692, et seq.

CLAIMS FOR RELIEF

16. Plaintiff incorporates by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein.

17. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692, et seq.

18. As a result of each of Defendant's violations of the FDCPA, Plaintiff is therefore entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Michael Lamiaux, prays that judgment be entered against Defendant for the following:

- (1) Actual damages;
- (2) Statutory damages in the amount of \$1,000.00;
- (3) Reasonable attorney's fees and costs;
- (4) Declaratory judgment that the Defendant's conduct violated the FDCPA;
- (5) Such other and further relief that the Court deems just and proper.

COUNT II
VIOLATIONS OF PENNSYLVANIA FAIR CREDIT EXTENSION UNIFORMITY
ACT
(FCEUA, 73 Pa. C.S § 2270.1, et. seq.)

19. Plaintiff incorporates his allegations of paragraphs 1 through 17 as though set forth at length herein.

20. Defendant violated FCEUA, 73 P.S. § 2270.4(a), because any violation of FDCPA by a debt collector, as set forth above, constitutes an unfair or deceptive debt collection act or practice under FCEUA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Michael Lamiaux prays that judgment be entered against Defendant for the following:

- (1) An Order declaring that Defendant violated the FCEU;
- (2) Actual damages;
- (3) Treble damages;
- (4) Reasonable attorney's fees and costs;
- (5) Such other and further relief that the Court deems just and proper.

COUNT III
VIOLATIONS OF PENNSYLVANIA UNFAIR TRADE CONSUMER PROTECTION
LAW
(“UTCPL”), 73 Pa. C.S § 201-1, et. seq.

21. Plaintiff incorporates his allegations of paragraphs 1 through 20 as though set forth at length herein.

22. Defendant violated UTCPL, because, pursuant to FCEUA, 73 P.S. § 2270.5(a), any unfair or deceptive debt collection act or practice under FCEUA by a debt collector or credit, as set forth above, constitutes a violation of UTCPL.

23. Other unfair or deceptive acts or practices defined as such in 73 P.S. §201-2(4) committed by Defendant include, but are not limited to, the following:

Defendant engaged in fraudulent or deceptive conduct which would create the likelihood of confusion or of misunderstanding.

24. Pursuant to UTCPL, 73 P.S. § 201-3, such acts and practices are unlawful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Michael Lamiaux, prays that judgment be entered against Defendant for the following:

- (1) An Order declaring that Defendant violated the UTCPL
- (2) Actual damages;
- (3) Treble damages;
- (4) Reasonable attorney’s fees and costs;
- (5) Such other and further relief that the Court deems just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const.
amend. 7.Fed.R.Civ.P.38.

Respectfully submitted;

Mpf8441/s/Michael P. Forbes

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